

From: Daniel Lucas

Sent: Wednesday, December 27, 2017 05:44 PM

To: Mia, Marcia

CC: Newman, Maya; Battle, Jernell; Cox, John

Subject: RE: FOIA request for records related to reporting required by 40 C.F.R. Part 60 Subpart 0000a - EPA tracking number EPA-HQ-2018-001886

Marcia,

This email responds to your emails of December 12 and 13, below, requesting clarification regarding our FOIA request. While it is true that our request for records is to provide us with the ability to comment meaningfully on the November 8, 2017 NODAs, our request is not limited to that purpose alone. Thus, we do not agree to exclude reports submitted to EPA pursuant to 60.5422a, subparagraphs (a), (b), and (c) from the scope of our request.

EPA, however, may exclude from the scope of our request reports submitted to EPA pursuant to 60.5423a(b). The same is true for reports submitted pursuant to 60.5420a, subparagraphs (a)(1), (a)(2), and (b)(10).

Thank you again for your assistance with our FOIA request.

Best regards,

Dan

Daniel M. Lucas

Deputy Attorney General

California Department of Justice

300 South Spring Street, Suite 1702

Los Angeles, California 90013

(213) 269-6345 (Phone)

(213) 897-2802 (Fax)

daniel.lucas@doj.ca.gov <mailto:daniel.lucas@doj.ca.gov>

From: Mia, Marcia [mailto:Mia.Marcia@epa.gov]

Sent: Thursday, December 14, 2017 2:06 PM

ED\_004016\_00009225-00001

To: Daniel Lucas <Daniel.Lucas@doj.ca.gov>  
Cc: Newman, Maya <Newman.Maya@epa.gov>; Battle, Jernell  
<Battle.Jernell@epa.gov>; Cox, John <cox.john@epa.gov>  
Subject: RE: FOIA request for records related to reporting required by  
40 C.F.R. Part 60 Subpart OOOOa - EPA tracking number EPA-HQ-2018-001886

Daniel,

As we discussed earlier, I am out of the country next week. John Cox,  
in my office, will be your contact. Please make sure you "reply all"  
with your response.

Thanks.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Daniel Lucas [mailto:Daniel.Lucas@doj.ca.gov]  
Sent: Wednesday, December 13, 2017 5:11 PM  
To: Mia, Marcia <Mia.Marcia@epa.gov <mailto:Mia.Marcia@epa.gov> >  
Cc: Newman, Maya <Newman.Maya@epa.gov <mailto:Newman.Maya@epa.gov> >;  
Battle, Jernell <Battle.Jernell@epa.gov <mailto:Battle.Jernell@epa.gov>  
>; Cox, John <cox.john@epa.gov <mailto:cox.john@epa.gov> >  
Subject: RE: FOIA request for records related to reporting required by  
40 C.F.R. Part 60 Subpart OOOOa - EPA tracking number EPA-HQ-2018-001886

Thank you, Marcia. We are caucusing internally, and I will have a  
response for you soon. Best regards, Dan

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From: Mia, Marcia [Mia.Marcia@epa.gov]  
Sent: Wednesday, December 13, 2017 12:38 PM  
To: Daniel Lucas  
Cc: Newman, Maya; Battle, Jernell; Cox, John

Subject: FW: FOIA request for records related to reporting required by  
40 C.F.R. Part 60 Subpart OOOOa - EPA tracking number EPA-HQ-2018-001886

Daniel,

In our conversation on 12/6/17, and memorialized in your letter of  
12/8/17, we discussed that your request for records was to provide you  
with the "ability to comment meaningfully on the two "notices of data  
availability published in the Federal Register on November 8, 2017 ("the  
NODAs")."

Since the new source performance standards for gas plants were not part  
of that NODA, the Regions (who have the majority of records responsive  
to your request) wanted clarification regarding the following records  
specific to gas plants:

1. 60.5422a(a) - We would like to exclude these reports from the  
scope of the request
2. 60.5422a(b) and (c) - We would like to exclude these reports  
from the scope of the request
3. 60.5423a(b) - We would like to exclude these reports from the  
scope of the request

Please provide a response to these questions, as well as the questions  
which were sent previously (12/12/17):

Your Item 1 requests records of the "Reports submitted to EPA pursuant  
to Subpart OOOOa's reporting requirements including, but not limited to,  
the following reports: [a-e]" (emphasis added)

Request for Clarification regarding the scope of your request: There  
are additional reports in §60.5420a(a)(1) - Initial Notifications and  
(a)(2) - Well Completions - PLEASE CLARIFY if your request includes  
either of those reports.

Request for Clarification regarding the scope of your request: There  
are additional performance test reports submitted by the manufacturer  
per §60.5420a(b)(10). These performance tests are conducted pursuant to  
§60.5413a(d) and are not specific to an owner/operator - PLEASE CLARIFY

if your request includes those reports.

Your expeditious reply will allow us to best respond to your request.  
Thank you.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Mia, Marcia

Sent: Tuesday, December 12, 2017 9:27 AM

To: 'Daniel Lucas' <Daniel.Lucas@doj.ca.gov

<mailto:Daniel.Lucas@doj.ca.gov> >

Cc: Newman, Maya <Newman.Maya@epa.gov <mailto:Newman.Maya@epa.gov> >;

Battle, Jernell <Battle.Jernell@epa.gov <mailto:Battle.Jernell@epa.gov>

>; Cox, John <Cox.John@epa.gov <mailto:Cox.John@epa.gov> >

Subject: RE: FOIA request for records related to reporting required by  
40 C.F.R. Part 60 Subpart OOOOa - EPA tracking number EPA-HQ-2018-001886

Daniel,

I need additional clarification regarding the scope of your request.

Your Item 1 requests records of the "Reports submitted to EPA pursuant  
to Subpart OOOOa's reporting requirements including, but not limited to,  
the following reports: [a-e]" (emphasis added)

Request for Clarification regarding the scope of your request: There  
are additional reports in §60.5420a(a)(1) - Initial Notifications and  
(a)(2) - Well Completions - PLEASE CLARIFY if you request includes  
either of those reports.

Request for Clarification regarding the scope of your request: There  
are additional performance test reports submitted by the manufacturer  
per §60.5420a(b)(10). These performance tests are conducted pursuant to

§60.5413a(d) and are not specific to an owner/operator - PLEASE CLARIFY  
if your request includes those reports.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Daniel Lucas [mailto:Daniel.Lucas@doj.ca.gov]

Sent: Friday, December 08, 2017 5:48 PM

To: Mia, Marcia <Mia.Marcia@epa.gov <mailto:Mia.Marcia@epa.gov> >

Cc: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov

<mailto:Tsirigotis.Peter@epa.gov> >; Wehrum, Bill <Wehrum.Bill@epa.gov

<mailto:Wehrum.Bill@epa.gov> >; Newman, Maya <Newman.Maya@epa.gov

<mailto:Newman.Maya@epa.gov> >; Battle, Jernell <Battle.Jernell@epa.gov

<mailto:Battle.Jernell@epa.gov> >; Messina, Edward

<Messina.Edward@epa.gov <mailto:Messina.Edward@epa.gov> >

Subject: RE: FOIA request for records related to reporting required by

40 C.F.R. Part 60 Subpart 0000a - EPA tracking number EPA-HQ-2018-001886

Thank you, Marcia. Best regards, Dan

Daniel M. Lucas

Deputy Attorney General

California Department of Justice

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Los Angeles, California 90013

(213) 269-6345 (Phone)

(213) 897-2802 (Fax)

daniel.lucas@doj.ca.gov <mailto:daniel.lucas@doj.ca.gov>

From: Mia, Marcia [mailto:Mia.Marcia@epa.gov]

Sent: Friday, December 08, 2017 1:49 PM

To: Daniel Lucas <Daniel.Lucas@doj.ca.gov

<mailto:Daniel.Lucas@doj.ca.gov> >

Cc: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov

<mailto:Tsirigotis.Peter@epa.gov> >; Wehrum, Bill <Wehrum.Bill@epa.gov

<mailto:Wehrum.Bill@epa.gov> >; Newman, Maya <Newman.Maya@epa.gov

<mailto:Newman.Maya@epa.gov> >; Battle, Jernell <Battle.Jernell@epa.gov

<mailto:Battle.Jernell@epa.gov> >; Messina, Edward

<Messina.Edward@epa.gov <mailto:Messina.Edward@epa.gov> >

Subject: RE: FOIA request for records related to reporting required by  
40 C.F.R. Part 60 Subpart OOOOa - EPA tracking number EPA-HQ-2018-001886

Daniel,

I have received your letter. Thank for the clarifications and limit to the scope in certain areas. We will work to deliver responsive materials on a rolling basis, beginning with the CEDRI records (Item 1) and the email records of items 2 and 3 from the office of OECA, AO, and OAR (excluding OTAQ and ORIA).

As we discussed, the remainder of the records in Item 1 are located in the regions. We will provide those records in Item 1, from Regions 3-10 as soon as possible and on a rolling basis.

I am not able to provide a suggested time frame, at this point, for the remainder of the records in Items 2, and 3 (non-electronic records from OECA, AO and OAR excluding OTAQ and ORIA) until those offices and regions provide me with a timeline to provide such records.

I am not able to speak on the issue of your request for an extension to the November 8, 2017 Notices of Data Availability.

Thank you.

Marcia B Mia

Office of Compliance/Air Branch

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Daniel Lucas [mailto:Daniel.Lucas@doj.ca.gov]  
Sent: Friday, December 08, 2017 3:47 PM  
To: Mia, Marcia <Mia.Marcia@epa.gov <mailto:Mia.Marcia@epa.gov> >  
Cc: Tsirigotis, Peter <Tsirigotis.Peter@epa.gov  
<mailto:Tsirigotis.Peter@epa.gov> >; Wehrum, Bill <Wehrum.Bill@epa.gov  
<mailto:Wehrum.Bill@epa.gov> >  
Subject: FOIA request for records related to reporting required by 40  
C.F.R. Part 60 Subpart OOOOa - EPA tracking number EPA-HQ-2018-001886

Dear Ms. Mia,

Attached please find a copy of a letter that memorializes our December  
6, 2017 discussion by telephone regarding the above-referenced FOIA  
request. The original is on its way to you via U.S. mail.

Best regards,

Dan

Daniel M. Lucas

Deputy Attorney General  
California Department of Justice  
300 South Spring Street, Suite 1702  
Los Angeles, California 90013

(213) 269-6345 (Phone)

(213) 897-2802 (Fax)

daniel.lucas@doj.ca.gov <mailto:daniel.lucas@doj.ca.gov>

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